NO 82-6850

IN THE UNITED STATES SUPREME COURT

D I R E C T A P P E A L

FROM

THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF PENNSYLVANIA

RECEIVED
MAY 31 1983
OFFICE OF THE CLERK
SUPREME COURT, U.S.

NO. 82 - 1409

OLGA OGROD,
Appellant

v.

GEORGE C. WEISS
JAMES KRAVITZ
and TOMLINSON COURT APARTMENTS,
Appellees

Per 28 - U. S. C. 2101 (a)- U.S. C. 28 - 1252
Per 28 - U. S. C. 2101 (b)

Olga Ogrod
Tomlinson Ct. Apts. F-7A
1761 Foster Street
Phila., Pa. 19116

Filed 5-31-83

NO 82-6850

IN THE UNITED STATES SUPREME COURT

DIRECT APPEAL FROM UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA
NO. 82-1409

RECEIVED
MAY 31 1983
OFFICE OF THE CLERK
SUPREME COURT, U.S.

OLGA OGROD, Appellant

v.

GEORGE C. WEISS
JAMES KRAVITZ
and TOMLINSON COURT APARTMENTS, Appellees

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

APPELLANT, Olga Ogrod, asks leave to file the attached Direct Appeal without prepayment of costs and to proceed in forma pauperis. Appellant has reached poverty as a result of twelve years of court costs and legal expenses. Appellant's affidavit in support of this motion is attached hereto.

OLGA OGROD, Appellant

AFFIDAVIT

I, Olga Ogrod, being duly sworn according to law, depose and say I am the Appellant in the above-entitled case; that in support of my motion to proceed without being required to prepay fees, costs or give security thereof the following:

1. I am the Appellant in above HOUSING DISCRIMINATION COMPLAINT.

2. I am only tenant presently with a NO PET LEASE. (Former tenant, Walter Loshenko, was evited three years ago who had same lease as Appellant for taking in a small dog, while an adjoining tenant had ten cats.

3. I am being discriminated against because of my NATIONAL ORIGIN.

4. I have reached poverty after paying twelve years of court costs, legal fees.

5. I believe I am entitled to the redress I seek in said cause.

6. The nature of said case is briefly stated as follows:

APPELLANT, Olga Ogrod, with a lease that is different was told her lease would not be renewed because her son had a small rabbit. Appellant, a resident of same complex for a period of twelve years appeared before the Phila. Fair Housing Commission, with Mr. George C. Weiss stating three times "I do not like her, I do not like her son, I do not like his rabbit" with three porfessional witnesses in attendance. Appellant filed a a HUD Complaint; being told she had right to file in the U. S. District Court the above stated complaint within 180 days of discrimination.

APPELLANT filed same on March 29, 1982; Complex started eviction proceedings on March 30, 1983. Appellant filed a Removal Petition with Bond and state courts continued(82-1626D.C.) Related Case U.S.SupremeCt. 82-6720.

APPELLANT, further states facts set forth in Jurisdictional Statement are true and correct to best of knowledg information and belief.

Olga Ogrod, Appellant-Affiant

SWORN TO AND SUBSCRIBED

THIS 31st DAY May 1983

Notary Public
My Commission Expires Dec. 14 1986

NO 82-6850

IN THE UNITED STATES SUPREME COURT

DIRECT APPEAL

FROM

THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF PENNSYLVANIA

NO. 82- 1409

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OLGA OGROD,
Appellant

v.

GEORGE C. WEISS
JAMES KRAVITZ
and TOMLINSON COURT APARTMENTS,
Appellee

Per 28 - U. S. C. 2101 (a) - U. S. C. 28 - 1252
Per 28 - U. S. C. 2101 (b)

JURISDICTIONAL STATEMENT

Filed 5-31-83

Olga Ogrod
Tomlinson Ct. Apts F-7A
1761 Foster Street
Phila., Pa. 19116

NO_____

IN THE UNITED STATES SUPREME COURT

DIRECT APPEAL FROM THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF PENNSYLVANIA

NO. 82-1409

OLGA OGROD, APPELLANT

V.

GEORGE C. WEISS
JAMES KRAVITZ
and TOMLINSON COURT APARTMENTS

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NO_____

IN THE UNITED STATES SUPREME COURT

DIRECT APPEAL FROM THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF PENNSYLVANIA

NO. 82-1409

OLGA OGROD, APPELLANT

V.

GEORGE C. WEISS
JAMES KRAVITZ
and TOMLINSON COURT APARTMENTS

JURISDICTIONAL STATEMENT

(A) QUESTIONS PRESENTED

1. This instant case is related to present case on appeal U. S. Supreme Court 82-6720 28 USC 1443(1) Removal under the Civil Rights Act 1964. This instant case was granted a stay during Appeal to U. S. Supreme Court if Appeal timely filed. Said Appeal timely filed with original mailing tolling the time. (exhibit A-19)
2. Can the*U. S. Court issue a Mandate, return record on Appeal, refuse to transmit record on Appeal to the U. S. Supreme Court and U. S. District Court continue actions in related case to have been stayed.(*U.S.Court Appeals)
3. Are orders made by a single judge in U. S. District Court valid?
4. Is order attested by a law clerk unsigned by a judge valid?
5. Is a MOTION made by a clerk in the U. S. Court of Appeals valid if a clerk of a court is not permitted to practice law before the bar of any court while he holds office of clerk and a few years after?(exhibit A-10 A-11)
6. Can the U. S. District Court continue with actions; can the U. S. Court of Appeals continue with actions after a notice of Appeal to U. S. Supreme Court (Direct Appeal) with multiple supersedeas bonds filed?
7. Is the Civil Rights Act of 1964 Constitutional if it does not apply to All national origins?
8. Is the Fair Housing Act of 1968 Constitutional if it

NO_____

IN THE UNITED STATES SUPREME COURT

DIRECT APPEAL FROM THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF PENNSYLVANIA

NO. 82-1409

OLGA OGROD, APPELLANT

V.

GEORGE C. WEISS
JAMES KRAVITZ
and TOMLINSON COURT APARTMENTS

JURISDICTIONAL STATEMENT

8.(cont.) does not include all people of all national origins?

(B) Olga Ogrod, Appellant

George C. Weiss, James Kravitz, Tomlinson Ct. Apts., Appellees

(C) 1. 28 U.S.C. 2101 (e) - 28 USC 1252 - gives Appellant right of direct -- appeal from a decision of the U. S.District Court as the Constitutionality of an Act of Congress is involved

2. 28 U.S.C. 2101 (b) - gives Appellant right of direct appeal because case involves Civil Rights Act of 1964.

3. Fair Housing Act of April 11, 1968 - Public Law 90-284(Discrimination in Housing- National Origin) falls within the Civil Rights Act of 1964 and directly appealable as part of a Removable action from state court.

(D) REFERENCE TO OFFICAIL AND UNOFFICIAL REPORTS OF ANY OPINIONS

1. Unlitigated order of March 17, 1983 denying the striking of answer to complaint filed five months out of time(laches)(ExA-3) during Appellant's three Motions for Entrance of Default Judgment. (DISCRIMINATION IN HOUSING COMPLAINT) (exhibitA-12-15)

2. Order entered 3-22-83 - unsigned Attest by Deputy Clerk in violation of Supersedeas. (ec- A-4-7)

3. Two letters - Court of Appeals to dismiss appeals (exhibitA-8-9)

NO_____

IN THE UNITED STATES SUPREME COURT

DIRECT APPEAL FROM THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF PENNSYLVANIA

NO. 82-1409

OLGA OGROD, APPELLANT
V.
GEORGE C. WEISS
JAMES KRAVITZ
and TOMLINSON COURT APARTMENTS

JURISDICTIONAL STATEMENT

(E) GROUNDS ON WHICH JURISDICTION OF COURT IS INVOKED

This case falls within Civil Rights Act of 1964 and Housing Act - FAIR HOUSING ACT OF 1968 PL 90-284 - (DISCRIMINATION IN HOUSING - NATIONAL ORIGIN). Said case is related to Removal per 1443(1) - on Appeal U.S. Supreme Court 82-6720.

Per USC 28 2101 (a) - USC 28 1252 gives Appellant right to direct appeal to the U. S. Supreme Court - the Constitutionality of Civil Rights Act of 1964 and Discrimination in Housing as per Fair Housing Act of 1968 is in question as it does not apply to Appellant's national origin.

The Civil Rights case of 1964 now on appeal 82-6720 filed within time to stay lower court proceedings has not done so and U. S. District Court and U. S. Court of Appeals continue actions.

Per 28 USC 2101 9a) - USC 28 1252 - - "all appeals taken to other courts prior to such notice shall be treated as taken directly to the Supreme Court.

(F) CONSTITUTIONAL PROVISIONS

The Civil Rights Act of 1964 (28 USC 1447-1443 (1) is unconstitutional as it does not seem to apply to people of all national origins. The Fair Housing Act of 1968 is unconstitutional as it does not seem to apply to people of all national origins. The laws as passed by Congress does not seem to apply to all people as employed in this case.

The orders made by U. S. District and U. S. Court of Appeals are unconstitutional as they have not afforded Appellant the safeguards per Civil Rights Act of 1964 or Fair Housing Act 1968.

NO._____

IN THE UNITED STATES SUPREME COURT

DIRECT APPEAL FROM THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF PENNSYLVANIA

NO. 82-1409

OLGA OGROD, APPELLANT

V.

GEORGE C. WEISS
JAMES KRAVITZ
and TOMLINSON COURT APARTMENTS

(G) CONCISE STATEMENT

(Ex-A-20)

Appellant has a different lease than any other tenant at the Complex. Only one other tenant had same lease as Appellant who was evicted three years ago of same national origin as Appellant for having a pet while an adjoining tenant of another national origin had ten cats. Appellant is only present tenant with a NO PET clause- other tenants have NO PET clause crossed out of lease and are permitted pets of all kinds. (exhibit - lease) Appellant only tenant required to have a co-signer because at time she was on child support. This is in violation of Civil Rights Act of 1964 and Fair Housing Act of 1968 - the reason that Complaint in Housing Discrimination Complaint filed.

After discrimination in Housing Complaint filed, appellant was put through an eviction proceeding in Municipal Court and Appellant filed Removal Petition because of Complaint in District Court, but eviction proceeding continued when U. S. District Court remanded record. Appellant filed and Appeal per 28 USC 1443(1) with a supersedeas bond. (Appeal U.S.Supreme Ct. 82-6720).

This action started when landlord informed appellant after ten years that he would not renew lease. Appellant appeared before Fair Housing Commission and manager, Mr. Weiss stated three times the reason he wanted Appellant evicted was because he did not like her or her son or his rabbit before three professional witnesses. Appellant went to HUD to file Discrimination in Housing Complaint who directed her to further file a complaint in U. S. District Court within 180 days of incident.

NO_____

IN THE UNITED STATES SUPREME COURT

DIRECT APPEAL FROM THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF PENNSYLVANIA

NO. 82-1409

OLGA OGROD, APPELLANT

V.

GEORGE C. WEISS
JAMES KRAVITZ
and TOMLINSON COURT APARTMENTS

(H) WHY QUESTIONS ARE SO SUBSTANTIAL

This involves the CIVIL RIGHTS ACT OF 1964 and FAIR HOUSING ACT OF 1968 and the constitutionality of each as it is appled by the courts to all national origins. If either act discriminates against a national origin it is unconstitutional.

Respectfully submitted,

Filed 5-31-83

Olga Ogrod, Appellant

AO 83
(Rev. 8/82)

ORIGINAL
RECEIPT FOR PAYMENT
UNITED STATES DISTRICT COURT
FOR
PENNSYLVANIA, EASTERN

98712

BY _____

RECEIVED FROM
Mrs. Ogrod

RECEIVED
MAY 31 1983
OFFICE OF THE CLERK
SUPREME COURT, U.S.

NOTICE OF APPEAL TO THE UNITED STATES SUPREME COURT

OLGA OGROD,	:	CIVIL ACTION
Plaintiff	:	
vs.	:	JURY DEMAND
GEORGE C. WEISS	:	
JAMES KRAVITZ	:	D.C. No. 82-1409
and TOMLINSON COURT APTS.	:	C.A. No. 83-1199
Defendants	:	C.A. No. 83-1200

OLGA OGROD, Plaintiff-Appellant in above stated actions appeals from the following:

1. Attached unlitigated final order of March 17, 1983 denying the striking of answer to complaint filed five months out of time during Plaintiff-Appellant's three (3) Motions for Entrance of Default Judgment.

2. Attached Order entered 3-22-83 - unsigned - Attest by Deputy Clerk in violation of Supersedeas.

3. Two letters - Court of Appeals - dated March 29, 1983 for possible dismissal of Appeals No. 83-1199 and 83-1200 - denoting following:

a. ORDER March 17, 1983 - "The notice of appeal was taken from a non-appealable interlocutory order entered March 17, 1983"

b. ORDER MARCH 22, 1983 - "The notice of appeal is taken from an order which is not "final" within the meaning of 28 U.S.C. 1291"

OLGA OGROD, Plaintiff-Appellant appeals to the United States Supreme Court from a continuous denial of Due Process and Equal Protection of Laws under the United States Constitution in violation of her Civil Rights and confirmed in 28-U.S.C. 1331 (Fair Housing Act of April 11, 1968 PL 90-284- Discrimination in Housing - Ethnic Background)- 28- U.S.C. 2101- (a) 28- USC 1252 -28- U.S.C. 2101- (b).

Olga Ogrod - Plaintiff-Appellant

Filed - April 4, 1983
U. S. Dist.Ct.-East.Dist.
U. S. Court of Appeals

NOTICE OF APPEAL TO THE UNITED STATES SUPREME COURT

RECEIVED
APR 4 1983
U.S.C.A. 3RD. CIR.

OLGA OGROD, Plaintiff	:	CIVIL ACTION
vs.	:	JURY DEMAND
GEORGE C. WEISS	:	
JAMES KRAVITZ	:	D.C. No. 82-1409
and TOMLINSON COURT APTS.	:	C.A. No. 83-1199
Defendants	:	C.A. No. 83-1200

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Olga Ogrod - Plaintiff-Appellant

Filed - April 4, 1983
U. S. Dist.Ct.-East.Dist.
U. S. Court of Appeals

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

OLGA OGROD	:	CIVIL ACTION
v.	:	NO. 82-1409
GEORGE C. WEISS, et al.	:	

ORDER

NOW, March 16, 1983, for the reasons stated at the conference in chambers this date, IT IS ORDERED that plaintiff's demand to strike answer to complaint is DENIED.

Daniel H. Huyett, 3rd, Judge

3/17/83

A-2

FILED 3/22/83

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

OLGA OGROD	:	CIVIL ACTION NO. 82-1409
	:	
VS.	:	
GEORGE C. WEISS, et al	:	

O R D E R

NOW, MARCH 21, 1983, , following conference in chambers, IT IS ORDERED that:

1. FAILURE OF COUNSEL OR A PARTY TO COMPLY WITH ANY OF THE PROVISIONS OF THIS ORDER MAY RESULT IN DISMISSAL, DEFAULT, CONTEMPT, OR SANCTIONS AS MAY BE APPROPRIATE, INCLUDING THE AWARD OF REASONABLE EXPENSES AND COUNSEL FEES.

2. All discovery and pretrial proceedings shall be completed not later than MAY 16, 1983, and counsel shall take whatever steps are necessary to insure compliance with this time limitation.

3. If opposing counsel's lack of response or lack of compliance with discovery makes it appear likely that the deadline may pass without completion of discovery, counsel is expected to invoke the procedures established by the Federal Rules of Civil Procedure and the Local Rules of this Court to compel compliance. Failure of counsel to utilize such procedures to insure compliance of the discovery deadline shall not be a ground for enlargement of discovery time or postponement of tria

A-4

4. Unless counsel commences discovery forthwith, particularly any discovery involving the parties themselves, and pursues discovery without delay, it is unlikely that leave will be granted for enlargement of discovery time or postponement of trial. Enlargement of the discovery period shall be granted only if the moving party shows both active and early discovery and a specific need for further discovery. Applications for enlargement of discovery time or postponement of trial shall be by motion pursuant to Local Civil Rule 20.

5. A FINAL PRETRIAL CONFERENCE SHALL BE HELD IN CHAMBERS (ROOM 12614) ON JUNE 9, 1983, 9:15 AM.

6. Plaintiff(s) pursuant to section (c) of Local Rule of Civil Procedure 21, adopted August 1, 1980, shall file with the Clerk a pretrial memorandum not later than N/A, and defendant(s) and third-party defendant(s) shall file with the Clerk pretrial memoranda within fifteen (15) days of the filing of plaintiff(s) pretrial memorandum, or in the case of the third-party defendant(s) within fifteen (15) days of the filing of its answer.

7. Plaintiff(s) pursuant to Local Rule of Civil Procedure 21, adopted August 1, 1980, shall submit to the Court (Chambers, Room 12614) the original copy of a proposed final pretrial order on JUNE 2, 1983, which shall comply fully and precisely with sections (d) 2. (a) and (b) of Rule 21.

8. Counsel shall become familiar with Local Rule of Civil Procedure 21, adopted August 1, 1980, and follow the provisions of

A-5

that Rule precisely in respect to this action and particularly in complying with paragraph 6 and paragraph 7 of this order.

9. Counsel will mark in advance of trial all exhibits to be used at trial (the court reporter will not mark exhibits). Any documents likely to be used or referred to at trial, except impeaching documents, will be exchanged by counsel in advance of trial, so that counsel will be familiar with their contents and will not need to interrupt the trial to read them. At the commencement of trial the Court should be supplied with a copy of each exhibit in triplicate and a schedule of exhibits in triplicate which shall briefly describe each exhibit.

10. THIS ACTION SHALL BE CALLED FOR TRIAL IN COURTROOM 12-A ON JUNE 27, 1983, AT 9:30 AM.

11. At least two days before the trial date each party shall submit proposed jury instructions and any proposed jury interrogatories in triplicate, ONE POINT PER PAGE the original shall be filed with the Clerk and two copies shall be delivered to the Court (Chambers, Room 12614). The first day of trial each party shall respond in writing to the other party's proposed jury instructions and such response shall be submitted in triplicate, ONE POINT PER PAGE the original shall be filed with the Clerk and two copies shall be delivered to the Court (Chambers, Room 12614). Supplemental proposed jury instructions may be submitted only for good cause and with the permission of the Court.

12. Trial shall not be continued because of the unavail-

R-6

ability of a witness, particularly an expert witness. If the witness's ability to appear is at all doubtful, counsel shall consider taking the trial deposition of such witness by video tape.

13. Counsel shall comply with "Procedures which shall Govern the Trial of Cases before Judge Daniel H. Huyett, 3rd"; a copy of these Procedures ~~will be handed xx xxxxxxxxx xx xxx xxxx~~ pretrial ~~xxxxxxx~~ IS ATTACHED.

14. DEFENDANTS SHALL FILE ANY SUMMARY JUDGMENT MOTIONS WITHIN 30 DAYS.

Daniel H. Huyett, 3rd, Judge

ATTEST:

By _____
Francis E. DeVine, Deputy Clerk

A-7

OFFICE OF THE STAFF ATTORNEYS
UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT
21718 UNITED STATES COURTHOUSE
601 MARKET STREET
PHILADELPHIA, PA 19106

PAUL DOUGLAS SISK
SENIOR STAFF ATTORNEY

TELEPHONE
(215) 597-2378

March 29, 1983

Ms. Olga Ogrod
Tomlinson Court Apts, Apt. F-7A
1761 Foster Street
Philadelphia, Pa. 19116

Re: Ogrod, Appellant v. Weiss, etc., et al
(D.C. Civil No. 82-1409)
C. A. No. 83-1199

Dear Ms. Ogrod:

This will advise you that the within appeal(s) will be submitted to a panel of this Court for possible dismissal due to a jurisdictional defect.

It appears that this Court lacks appellate jurisdiction for the following reason(s):

( ) The notice of appeal is taken from an order which is not "final" within the meaning of 28 U.S.C. §1291;

( ) The notice of appeal was not filed within the time prescribed by the Federal Rules of Appellate Procedure:
Order entered: _____
Notice of Appeal (rec'd/filed): _____
Period permitted: _____
Rule ___ 4(a)(1) ___ 4(a)(3) ___ 4(a)(5)
___ 4(b) ___ 13(a)(b)

( ) The notice of appeal is premature. See, Griggs v. Provident Consumer Discount Co., ___ U.S. ___, 51 U.S.L.W. 3413 (U.S. November 30, 1982).

(X) The notice of appeal was taken from a non-appealable interlocutory order entered March 17, 1983

This appeal will be submitted for possible dismissal to a panel of this Court sitting at its earliest convenience. Parties may respond in proper form (original and three copies, with certificate of service) not later than twenty-one days from the date of this letter.

Very truly yours,

PAUL DOUGLAS SISK
Senior Staff Attorney

PDS/mk

cc: Edward J. Hughes, Esquire
Suite 905, One Montgomery Plaza
Norristown, Pa. 19401

(3-83)•

OFFICE OF THE STAFF ATTORNEYS
UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT
21718 UNITED STATES COURTHOUSE
601 MARKET STREET
PHILADELPHIA, PA 19106

PAUL DOUGLAS SISK
SENIOR STAFF ATTORNEY

TELEPHONE
(215) 597-2378

March 29, 1983

Ms. Olga Ogrod
Tomlinson Court Apts., Apt. F-7A
1761 Foster Street
Philadelphia, Pa. 19116

Re: Ogrod, Appellant v. Weiss, etc., et al
(D.C. Civil No. 82-1409)
C. A. No. 83-1200

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___ 4(b) ___ 13(a)(b)

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( )

This appeal will be submitted for possible dismissal to a panel of this Court sitting at its earliest convenience. Parties may respond in proper form (original and three copies, with certificate of service) not later than twenty-one days from the date of this letter.

Very truly yours,

Paul Douglas Sisk

PAUL DOUGLAS SISK
Senior Staff Attorney

PDS/mk
cc: Edward J. Hughes, Esquire
Suite 905, One Montgomery Plaza
Norristown, Pa. 19401

(3-83)•

April 20, 1983

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 83-1199

OGROD, OLGA,
Appellant

vs.

WEISS, GEORGE C., Manager KRAVITZ, JAMES, Owner TOMLINSON CT. APTS.

(E.D. Pa. Civ. No. 82-1409)

Present: ADAMS, WEIS, CIRCUIT JUDGES; and DEBEVOISE, DISTRICT JUDGE

Submitted by the Clerk for possible dismissal due to a jurisdictional defect

in the above-captioned case listed May 9, 1983 or as the Court decides.

Respectfully,

Sally Mraz
Clerk

SM/CW/sb
enc.

The foregoing Motion is/are

Dismiss

By the Court,

A. B. Adams
Judge

Dated MAY 19 1983
rm/CC:
Ms. Olga Ogrod
Edward J. Hughes, Esquire

A-10

April 20, 1983

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 83-1200

OGROD, OLGA,
Appellant

vs.

WEISS, GEORGE C., Manager KRAVITZ, JAMES, Owner TOMLINSON CT. APTS.

(E.D. Pa. Civ. No. 82-1409)

Present: ADAMS, WEIS, CIRCUIT JUDGES; and DEBEVOISE, DISTRICT JUDGE

Submitted by the Clerk for possible dismissal due to a jurisdictional defect

in the above-captioned case listed May 9, 1983 or as the Court decides.

Respectfully,

Clerk

SM/CW/sb
enc.

The foregoing Motion is/are

Approved

MAY 20 1983

By the Court,

Judge

Dated: MAY 18 1983
rm/cc:
Ms. Olga Ogrod
Edward J. Hughes, Esq.

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

OLGA OGROD,
Plaintiff

vs.

GEORGE C. ARIS, Manager,
JAMES KRAVITZ, Owner , AND
TOMLINSON CT. APTS.
Defendants

JURY DEMAND

CA# 82-1409 Hoyett

COMPLAINT

NOW COME Olga Ogrod, Plaintiff and complains of Defendants as follows:

1. This action arises under 42 U.S.C. s.1982 and 42 U.S.C. s.3604. Jurisdiction is conferred on this Court by 28 U.S.C. s. 1343 (4) and s. 2201 and 42 U.S.C. s. 3612.

2. Plaintiff is a citizen of the United States of Ukrainian ethnic background who presently resides at Tomlinson Court Apartments, 1761 Foster Street, Philadelphia, Pa. and has continuously resided at same location since July 1, 1971.

3. Upon information and belief, George C. Aris is the Manager for Tomlinson Ct. Apts. And Defendant James Kravitz is the Owner of Apartment Building located at 1761 Foster Street, Philadelphia, Pa.

4. On September 30, 1981, at the Philadelphia Fair Housing Hearing before the Philadelphia Fair Housing Commission, Defendant George C. Aris refused to renew Plaintiff's lease, stating three times in presence of competent witnesses: "I Do Not Like Her, Or Her Son or His Rabbit

Travelers Express Company, Inc.

134 6741 181

REFER TO THIS NUMBER FOR PROMPT SERVICE

DATE 2-12-82

PURCHASER'S RECEIPT

PAY TO THE ORDER OF

NON-NEGOTIABLE

1179 $85.6000

AMOUNT

COUNTERSIGN

4-12

5. At the time of said refusal, prior to and continuing to present time, defendant George C.Weiss has continuously harrassed Plaintiff and son. During entire period of occupancy, Defendant George C. Weiss never painted Plaintiff's apartment, stating each time requested:"You Missed Your Turn!". Windows to said apartment were completely covered with shrubbery that had grown in eleven years obstructing the view from inside and out, in violation of Plaintiff and son's safety allowing a would-be burglar to try to gain entry without detection. On 8-7-80, Plaintiff caught someone as they were about to enter the apartment, reported it to police who suggested that they be cut down. George C. Weiss, Defendant refused to cut same down stating:"They Look Pretty!" and only when Plaintiff initiated complaint with Philadelphia Fair Housing Commission did he begin to cut same down.

Repairs and maintenance of said unit have been neglected causing Plaintiff to reside in deplorable conditions with constant water leakage throughout unit, windows, ceilings, appliances, toilet, sinks, pipes, etc. causing permanent damage to Plaintiff's paintings, furniture and personal possessions.

6. In doing the acts and conduct herein complained of, Defendant acted intentionally and maliciously and was guilty of willful and wanton disregard of rights and feelings of Plaintiff and son.

7. Plaintiff is the only present tenant at said Apartment Complex with a lease that is "Different"- not allowing pets, while others are allowed all kinds of pets and birds. Two years ago, a tenant, Walter Lotherko, of Ukrainian ethnic background was, also, treated "Different" with a "No Pet" lease while an adjoining tenant of another ethnic background had ten cats.

8. In not renewing Plaintiff's lease, Mr. George C. Weiss, Manager, Defendant has steered Plaintiff to the areas and locals that Defendant felt would be more suitable for Plaintiff, even going so far as selecting the street that would be appropriate for her and her son even checking to see if there were available units on said street.

9. Plaintiffs have no adequate remedy at law or otherwise for the harm done by Defendants. Plaintiffs have suffered and are continuing to suffer great and irreparable loss and injury including mental anguish, humiliation and embarrassment as a proximate result of the acts and conduct of Defendants herein complained of and will continue to so suffer unless Defendants are enjoined.

WHEREFORE, Plaintiffs pray:

(1) That the Court declare the Plaintiffs cannot be denied the right of lease renewal of unit in question on the grounds of ethnic background dislike.

(2) That the Court issue an injunction permanently restraining and enjoining Defendants from refusing to renew lease of said unit to Plaintiffs.

(3) That pending the final hearing and determination of this cause, the Court issue a temporary restraining order and a preliminary injunction restraining and enjoining Defendant, their officers, agents, employees and all those persons in active concert or participation with them, from constant harrassment, and from refusing to renew lease of said unit to Plaintiffs.

(4) That the Court grant actual damages, punitive damages, reasonable attorney's fees and costs to be determined by a jury.

(5) That the Court grant such additional and further relief as may be just and proper.

OLGA OGROD, Plaintiff

STATE OF PENNSYLVANIA)
)
COUNTY OF PHILADELPHIA)

AFFIDAVIT

OLGA OGROD, Plaintiff, being duly sworn on oath deposes and states that affiant is the Plaintiff in this cause, that the affiant has read the above complaint and the matters stated therein except as they may be stated on information and belief are true and correct.

OLGA OGROD, Plaintiff

SUBSCRIBED AND SWORN BEFORE ME

THIS [illegible] DAY [illegible] OF [illegible] 19[illegible].

Notary Public

GLENN WEINSTEIN
Notary Public, Phila., Phila. Co.
My Commission Expires Dec. 14, 1985

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TOMLINSON CT. APTS.	:	CIVIL ACTION
v.	:	NO. 82-1626
OLGA OGROD	:	
	:	

O R D E R

NOW, April 26, 1982 upon consideration of the petition for removal filed by Olga Ogrod and because:

1. Federal courts are courts of limited jurisdiction. For this reason, I am bound to dismiss sua sponte any action brought before me in which subject matter jurisdiction is lacking. C. Wright, Federal Courts 17-18 (1976).

2. The defendant attempted to remove to this court a landlord-tenant complaint filed in the Municipal Court of Philadelphia. An examination of defendant's removal petition and the attached landlord-tenant complaint does not reveal a basis for federal jurisdiction. The fact that the defendant intends to assert a defense which raises a federal question is not sufficient to support removal. 14 Wright, Miller, & Cooper, Federal Practice and Procedure § 3734 n.3

3. This court lacks subject matter jurisdiction over this action.

IT IS ORDERED THAT THE CASE IS REMANDED.

Daniel H. Huyett, 3rd, Judge

RECEIVED
APR 19 1983
U.S.C.A. 3RD. CIR.

THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

OGROD, Olga,
Appellant
vs.

GEORGE C. WEISS
JAMES C. KRAVITZ
and ROMLINSON COURT APTS.

CIVIL ACTION

No.- 83-1199 and 83-1200

D.C. No. 82-1409

NOTICE TO THE CLERK TO CERTIFY RECORD
AND TRANSMIT TO THE UNITED STATES SUPREME
COURT

As per Rule 13- United States Supreme Court kindly certify the above stated record and transmit to the Clerk - United States Supreme Court - Washington, D. C.

You may bill ~~for~~ Appellant for all costs.

Filed 4-19-83

OLGA OGROD, Appellant

A 17

NO. 82-6720

IN THE UNITED STATES SUPREME COURT

FROM THE UNITED STATES COURT OF APPEALS

THIRD CIRCUIT

TOMLINSON CT. APTS.
V.

OLGA OSROD, APPELLANT

NO. 82-1294 and 82-1359 (C.A.)

U. S. District Court No. 82-1626
(Removal related to 82-1409)
(Discrimination in Housing)

APPELLANT'S NOTICE OF RECALL OF MANDATE AND DEMAND TO TRANSMIT RECORD TO THE UNITED STATES SUPREME COURT AS PER FEDERAL RULES OF APPELLATE PROCEDURE.

APPELLANT, Olga Osrod, whose Civil Rights have been violated under the Civil Rights Act of 1964 is demanding the RECALL OF MANDATE AND THE TRANSMISSION OF RECORD TO THE UNITED STATES SUPREME COURT (second request). All proceedings in related Discrimination in Housing Complaint 82-1409 U. S. District Eastern District of Pa. and U. S. Court of Appeals Nos. 82-1199 82-1200 are NULL AND VOID and in violation of Appellant's Constitutional Rights to STAY OF MANDATE and further proceedings.

OLGA OSROD, Appellant

Tomlinson Ct. Apts. F-7A
1761 Foster Street
Phila., Pa. 19116

Filed 5-27-83

RECEIVED
MAR 3 1983
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE UNITED STATES SUPREME COURT
FROM THE UNITED STATES COURT OF APPEALS
EASTERN DISTRICT OF PENNSYLVANIA

TOMLINSON CT. ARTS.

v.

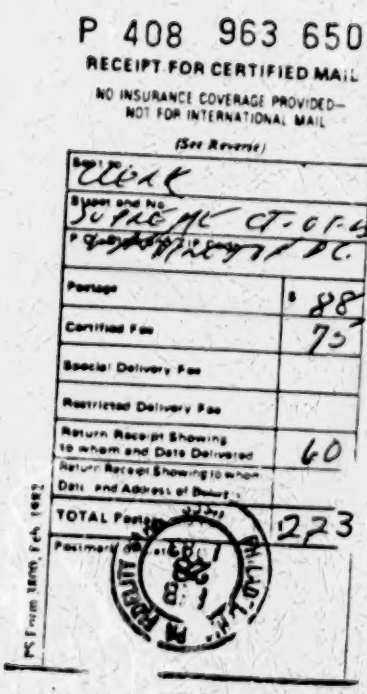
CLYDE CROOD, Appellant

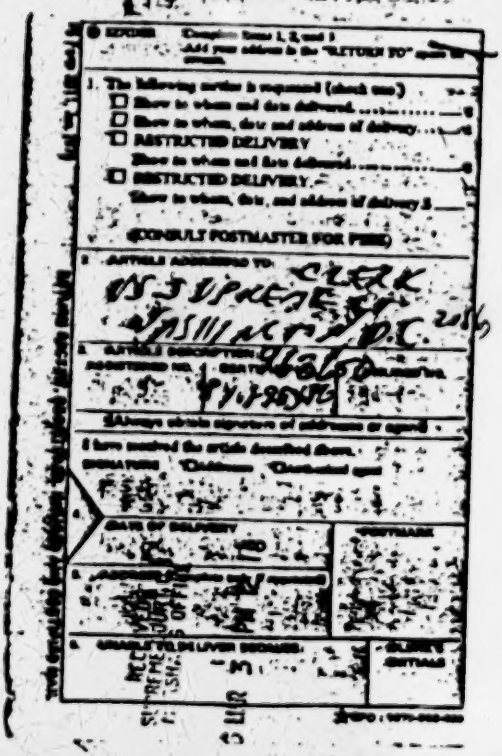
No. 82-1284 and 82-1285

U. S. Dist Court No. 82-1676

APPEAL

Mr. Clyde Crood
Tomlinson Ct. Arts. F-7a
1761 Foster Street
Phila[illegible]




RETURN TO
3. The following service is requested (check one)
Show to whom and date delivered
Show to whom, date and address of delivery
RESTRICTED DELIVERY
Show to whom and date delivered
RESTRICTED DELIVERY
Show to whom, date, and address of delivery $
(CONSULT POSTMASTER FOR FEES)
4. ARTICLE ADDRESSED TO:
CLERK
SUPREME CT.
WASHINGTON D.C. 20543
5. ARTICLE DESCRIPTION
REGISTERED NO.
CERTIFIED NO.
INSURED NO.
6. Always obtain signature of addressee or agent
I have received the article described above.
SIGNATURE
7. DATE OF DELIVERY
POSTMARK
8. ADDRESSEE'S ADDRESS (ONLY if requested)
9. UNABLE TO DELIVER BECAUSE:
CLERK'S INITIALS

ADDENDUM TO LEASE AGREEMENT DATED August 16, 1971 covering Apartment 7A, Building "F", 1761 Foster Street in the City and County of Philadelphia, State of Pennsylvania Between TOMLINSON COURT APARTMENTS and OLGA OGROD AND JOHN & MARY TERPELUK, h/w, co-signers

30. Lessee agrees to pay one-sixteenth of such excess water and sewer rent used on the aforementioned premises by the lessee and other occupants of the aforementioned premises.

31. Lessee agrees to pay all utilities. (heat, gas and electricity). Lessor to supply hot water.

32. Lessee agrees to pay a late charge of five ($5.00) Dollars if payment is not made within seven (7) days of due date. This is in addition to any other rights Lessor may have for the collection of rent and does not constitute a waiver of such a right.

33. Lessee agrees not to keep any pets in, on or around the premises.

34. Lessee agrees not to keep or maintain any boats or vehicles of any kind, excepting automobiles, in on or around the premises.

35. Lessee may not change or alter, in any manner whatsoever, existing cylinders and locks on the doors of the premises. No additional locks, other than an inside security chain lock (which does not require a key), may be placed on any door in or on the premises.

36. Lessee must place all trash in PLASTIC BAGS and deposit them in the appropriate container provided for this purpose.

37. Lessee agrees to perform the proper and necessary maintenance to preserve and protect the wall to wall carpeting. Prior to vacating, the carpeting must be shampooed by the Lessee or Lessor has the right to have the same [illegible]

30. Lessee agrees to pay 1.04 of such excess water and sewer rent used on the aforementioned premises by the lessee and other occupants of the apartment complex.

31. Lessee agrees to pay all utilities. (Heat, gas and electricity). Lessor to supply hot water.

32. Lessee agrees to pay a late charge of five ($5.00) dollars plus $1.00 per day additional from the 5th of the month. This is in addition to any other rights Lessor may have for the collection of rent and does not constitute a waiver of such a right.

33. LESSEE AGREES NOT TO KEEP ANY PETS IN, ON OR AROUND THE PREMISES.

[illegible] such options as would be available to Tenant for Lessor's failure to give actual possession under Section 7.

(t) No dogs allowed; No pets allowed with the exception of cats, birds, [illegible] unless authorization in writing is obtained from the landlord prior to its acquisition.

(u) No water beds allowed.

(v) There shall be no warranty of any kind, express or implied, including, without limitation, any warranty of habitability, applicable to the premised during the term of this lease or any renewal hereof.

[illegible] personal property of the Lessee shall be sold or levied upon by any Sheriff, Marshal or Constable, the same shall be

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